

REMARKS

These amendments and remarks are being filed in response to the final Office Action dated November 23, 2007. For the following reasons this amendment should be entered, the application allowed, and the case passed to issue.

This amendment clearly places the application in condition for allowance. No new matter or considerations are introduced by this amendment. The amendments to claims 1, 9, and 10 are supported by claim 3, as previously presented. During a personal interview on February 20, 2008, Examiner Lewis indicated that claim 3 would be allowable if presented in independent form.

Claims 1, 4, 5, and 9-13 are pending in this application. Claims 1, 4, 5, and 9-13 are rejected. Claim 3 was objected to. Claims 1, 9, and 10 have been amended. Claim 3 has been canceled in this response. Claims 2 and 6-8 were previously canceled.

Interview Summary

On February 12, 2008, the undersigned called Examiner Lewis and inquired about the status of claim 3. Claim 3 was not discussed in any of the rejections in the November 23, 2007 Office Action, though it was listed on the PTOL-326 Office Action Summary as being rejected. The Office Action did explain that the rejection of claim 3 under 35 U.S.C. § 112 given in the May 17, 2007 Office Action was withdrawn. Examiner Lewis indicated that he would have to discuss this matter with his supervisor. During a personal interview on February 20, 2008, Examiner Lewis explained that claim 3 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants greatly appreciate the courtesy of Examiner Lewis in granting the interviews and confirming the status of claim 3.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 4, and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayama et al. (U.S. Pat. No. 6,225,778) in view of Suzuki et al. (JP 11-345599) and Furukawa (U.S. Pat. No. 5,542,958), and further in view of Shiflet (U.S. Pat. No. 4,233,350). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the invention as claimed and the cited prior art.

Claim 1 has been amended to include the limitation of claim 3, therefore, claim 1 is the same as claim 3 rewritten in independent form. Thus, claim 1 and the claims depending from claim 1 are allowable.

As regards claim 9, the limitation of claim 3 has been added to claim 9. Thus, claim 9 is allowable for at least the same reasons as claim 1. The combination of Hayama et al., Suzuki et al., Furukawa, and Shiflet do not suggest the claimed laminate packaging flat cell and method for manufacturing a laminate packaging flat cell because neither Hayama et al., Suzuki et al., Furukawa, and Shiflet, whether taken alone, or in combination, suggest that the through-holes form first and second rows along a widthwise direction of the electrode terminal lead that is substantially perpendicular to the protruding direction, the through-holes in the first row are arranged to offset to the through-holes in the second row without a gap in the widthwise direction when viewed along the protruding direction, and a ratio of a cross-sectional area of the through-holes to a cross-sectional area of the electrode terminal lead along the widthwise direction ranges from 20 to 50%, as required by claims 1 and 9.

Claims 5, 10, and 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayama et al. in view of Suzuki et al. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Claim 5 is allowable for at least the same reasons as claim 1 from which it depends.

As regards claim 10, claim 10 has been amended to include the limitation of allowable claim 3. The combination of Hayama et al. and Suzuki et al. do not suggest the claimed laminate packaging flat cell because neither Hayama et al. nor Suzuki et al., alone or in combination, suggest that the through-holes are arranged to prevent leakage of electrolyte linearly along the protruding direction through a location of the thermally welded portion of the laminate film where the terminal electrode lead protrudes, and a ratio of a cross-sectional area of the through-holes to a cross-sectional area of the electrode terminal lead along the widthwise direction ranges from 20 to 50%, as required by claim 10.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayama et al. in view of Suzuki et al. and Dasgupta et al. (U.S. Pat. No. 6,080,508) and further in view of Furukawa and Shiflet. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Claim 6 has been canceled, therefore, this rejection is moot.

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayama et al. in view of Suzuki et al. and Haba (U.S. Pat. No. 6,465,986) and further in view of Furukawa and Shiflet. This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Claims 7 and 8 have been canceled, therefore, this rejection is moot.

The dependent claims are allowable for at least the same reasons as the respective independent claims from which they depend and further distinguish the claimed invention.

Allowable Subject Matter

Claim 3 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants greatly appreciate the indication of allowable subject matter. By adding the limitation of claim 3 to claim 1, claim 3 has effectively been rewritten in independent form, and is therefore allowable.

Claims 9 and 10 have been amended to include the limitation of claim 3, therefore, Applicants submit claims 9 and 10 are also allowable.

In view of the above amendments and remarks, Applicants submit that this amendment should be entered, the application allowed, and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP



Bernard P. Codd
Registration No. 46,429

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BPC:MWE
Facsimile: 202.756.8087
Date: February 25, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**